

ORDINANCE NO. 1028-85

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF GETTYSBURG.

The Borough of Gettysburg hereby ordains:

**Section 1. Adoption.**

The “Code of Ordinances, Borough of Gettysburg,” as prepared and published for the said Borough by Penns Valley Publishers, Harrisburg, Pennsylvania, is hereby adopted as a consolidation, codification and revision of the ordinances of the Borough. Chapters 1 through 27 thereof contain the text of the body of all general administrative and penal ordinances of the Borough organized as follows:

Chapter 1 .....	Administration and Government
Chapter 2 .....	Animals
Chapter 3 .....	Bicycles
Chapter 4 .....	Buildings
Chapter 5 .....	Code Enforcement
Chapter 6 .....	Conduct
Chapter 7 .....	Fire Prevention and Fire Protection
Chapter 8 .....	Flood Plains
Chapter 10 .....	Health and Safety
Chapter 11 .....	Historic Districts
Chapter 13 .....	Licenses, Permits and General Business Regulations
Chapter 14 .....	Mobile Homes and Mobile Home Parks
Chapter 15 .....	Motor Vehicles and Traffic
Chapter 18 .....	Sewers and Sewage Disposal
Chapter 19 .....	Signs and Billboards
Chapter 20 .....	Solid Waste
Chapter 21 .....	Streets and Sidewalks
Chapter 24 .....	Taxation, Special
Chapter 25 .....	Trees
Chapter 27 .....	Zoning

Appendix:

A .....	Annexation of Territory
B .....	Bond Issues and Loans
C .....	Franchises and Services
D .....	Governmental and Intergovernmental Affairs
E .....	Plan Approval
F .....	Public Property
G .....	Sewers
H .....	Street Lighting
I .....	Streets and Sidewalks
J .....	Water

## Key to the Disposition of All Ordinances

### Index

#### **Section 2. Citation and Effective Date.**

The recodification referred to in section 1 of this ordinance shall be known and cited officially as the “Borough of Gettysburg Code of Ordinances”, and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

#### **Section 3. Saving Clause.**

The provisions of the Borough’s Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Borough’s Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

#### **Section 4. Consolidation and Revision.**

As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

##### A. Consolidations

<b>Chapter, Part, Section</b>	<b>Subject</b>	<b>Ordinance No.</b>
Chapter 5, Part 1	Building Code	1/7/1963, 11/4/1963, 110, 142, 143, 914-76, 915-76
Chapter 15	Motor Vehicles	9/24/1945, 6/6/1949, 1/16/1952, 10/6/1952, 2/1/1954, 6/2/1958, 3/2/1959, 4/6/1959, 9/8/1959, 2/6/1961, 2/1/1965A, 1/2/1968A, 114, 118, 137, 811-68, 812-68, 814-68, 818-69, 823-69, 834-71, 836-71, 837-71, 84-071, 845-71, 846-71, 847-71, 852-71, 853-71, 854-71, 855-71, 861-72, 863-72, 866-73, 867-73, 868-73, 871-73, 872-73, 874-73, 875-73, 881-74, 882-74, 883-74, 884-74, 885-74, 887-74, 889-74, 898-75, 901-75, 903-75, 904-75, 905-75, 907-76, 908-76, 910-76, 912-76, 913-76, 917-76, 918-76, 919-76, 923-77, 924-77, 925-77, 926-77, 927-77, 928-77, 931-77, 933-77, 934-77, 937-78, 939-78, 941-78, 942-78, 943-78, 944-78, 946-78, 947-78, 949-79, 950-79, 951-79, 952-79, 954-79, 955-79, 956-79, 957-79, 958-79, 959-79, 961-79, 962-79, 963-79, 969-79, 971, 972, 973, 977, 978, 980, 986, 987, 988, 995, 996, 997, 999, 1006, 1013, 1014, 1015, 1016, 1017, 1022, 1023, 1024, 1027

B. Revisions

Chapter, Part, Section	Subject	Ordinance No.
Chapter 1, Part 6A	Boards and Commissions	116
Chapter 6, §§801, 802	Advertising Matter Distribution	10/3/1932
Chapter 21, §§241-244, 246	Snow and Ice Removal from Sidewalks	1/16/1952

**Section 5. New Enactments, Amendments and Repeals.**

As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. New Enactments

Chapter, Part, Section	Short Title
1, Part 3B	Code Enforcement Officer
1, Part 3C	Fire Marshal
1, Part 9	Firemen's Relief Association
2, §§201-205	Requirements for Keeping Animals
6, Part 6	Littering
7, Part 2	Smoke Detectors
10, Part 3	Vector Control
13, §309	Bond for Junk Dealers
15, Complete	Motor Vehicles, Traffic, Parking, Etc.
21, §224	Vending Machines in Right-of-Way

B. Amendments

Chapter, Part, Section	Short Title	Ordinance No.
1, §202	Council Compensation	1/4/1965A, 877-73
1, §304	Manager's Bond	66-13
1, §614	Recreation Board	8/4/1941
1, §705	Police Pension (Age)	6/1/1959, 805-68
2, §103-105	Dogs	8/19/1935, 129, 1003
6, §103	Use of Firearms/Bows and Arrows	131
6, §105	Damaging Public Plantings/Trees	6/1/1966

<b>Chapter, Part, Section</b>	<b>Short Title</b>	<b>Ordinance No.</b>
6, §305	Curfew, Repeated Violations	132
6, §501	Sledding on Streets, Sidewalks	140
6, §701	Blocking Streets with Trains	1/10/1905, 103
7, §101	Fire Department Composition	133
10, §107	Abatement of Nuisances, Enforcement	4/3/1967, 1019-84
10, §§202, 204	Grass/Weeds Nuisances, Enforcement	134
11, §110	Historical District Permit Applications	857-72, §10
13, §103	Amusement Tax	121
13, §§301-303, 308, 309	Junk Dealers, License	2/5/1966A
13, §§402, 403(2)	Transient Retail Business	136
13, §602	Taxi Cabs	3/6/1950, 114
18, §201	Sump Pump Water	932-77
19, §105(13)	Political Signs; Exempted from Permit	876-73, 985-81
21, §101	Street Plan Adopted	138
21, §124	Streets (Bond)	5/18/1903
21, §§205, 206	Sidewalk/Curb Construction	8/4/1905, 8/15/1907, 9/4/1951, 105
21, §218	Driveway Permits/Bonds	5/20/1946, 112, 998-82
21, §223	Sidewalk Obstructions	2/7/1905, 5/21/1914, 104
21, Part 2(D), §§241-244	Sidewalk Snow and Ice Removal	1/6/1952
24, §105	Amusement Tax, Enforcement	815-69
24, §208	Authority of Tax Collector	1/2/1968
25, §§101, 104, 105, 108	Trees	2/7/1908, 8/12/1909, 104, 940-78

## Zoning, Amendments to Ord. 902-75, 922-77 and 1000-82

<b>Chapter, Section</b>	<b>Subject</b>
27, §201	Definitions “Accessory Use”, “Apartment (Conversion)”, “Dwelling Unit”, “Family”, “Floor Area”, “Foster Home”, “Group Care Home”, “Mobile Home”, “Student Housing”
§301	Types of Districts
§305(1, 2)	Territory added to R-2, Residential District
§306	Territory added to Old Town District
§308(2, 3)	Territory added to Neighborhood Commercial District
§310	Territory added to General Commercial District
§§402, 502	Permitted Uses; Foster Homes, Group Care Homes
§503	Special Exception Uses (R-2) District
§504	Lot Requirements (R-2) District
§§602, 604, 606	Old Town District; Lot Requirements
§§702, 703	Permitted Uses (Institutional District)
§705	Building Heights (Institutional District)
§§802, 803, 804	Permitted Uses (Neighborhood – Commercial District); Lot Requirements
§§902, 904	Permitted Uses; Tourist Commercial District; Lot Requirements
§1002	Permitted Uses; General Commercial District
§1003	Special Exception Use (Mobile Home) G-C District
§1004	Lot Requirement (G-C) District
§1104	Lot Requirements; Manufacturing District
§1106	Group Care Home
§1202	Building Setback Lines
§§1301-1303	Old Town District; Off-Street Parking, Loading
§1402	Nonconforming Buildings; Uses
§§1502-1506, 1508	Apartment Conversions, Detached Garages and Other Structures, Home Occupations, Habitable Floor Area, Private Swimming Pools, On-Lot Storage in Residential Areas
§1518	Group Care Homes
§1519	Performance Standards
§1602	Duties of Building Inspector
§1604	Certificate of Occupancy
§1701	Report on Zoning Hearing Board
§1703	Powers and Duties of Zoning Hearing Board

C. Repeals

<b>Ord. No.</b>	<b>Short Title</b>
8/19/1935	Hauling Dead Animals
6/5/1939	Public Display of Fireworks
8/4/1958	Locomotive Speed
6/4/1962A	Nonuniform Pensions
7/6/1965	Planning and Zoning Commission
5/2/1966	Mosquito Control
102	Rock Throwing
107	Hauling Dead Animals
110	Public Display of Fireworks
115	Snow and Ice Disposal
123	Non-Uniform Pensions
124	Planning Commission
826-70	Trash Receptacles on Sidewalks
849-71	Air Pollution
895-75	Use of Holding Tanks

**Section 6. Adoption of Standard Codes by Reference.**

As a necessary part of condification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

<b>Chapter, Part</b>	<b>Short Title</b>
5, Part 1	1984 BOCA Basic National Building Code, 9th Edition
5, Part 2	1984 National Electrical Code
5, Part 3	1984 BOCA Fire Prevention code, 6th Edition
5, Part 4	1981 BOCA Basic Property Maintenance Code, 2nd Edition
5, Part 5	1984 BOCA Plumbing Code, 6th Edition

**Section 7. Procedural Changes.**

The following minor procedural changes have been made to existing Borough of Gettysburg ordinances:

- A. grammatical and spelling errors have been corrected where necessary;

- B. minor changes have been made to correct obsolete terms and usages;
- C. the penalty sections have been revised where necessary to comply with the Crimes Code or the Motor Vehicle Code.

### **Section 8. Amending the Code of Ordinances.**

The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and Subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision – “Chapter \_\_\_\_, Part\_\_\_\_, Section\_\_\_\_, Subsection\_\_\_\_is hereby amended [revised] to read as follows . . .”
- B. Additions – “Chapter \_\_\_\_, Part\_\_\_\_, Section\_\_\_\_, Subsection\_\_\_\_is hereby amended by the addition of the following . . .”
- C. Repeal – “Chapter\_\_\_\_, Part\_\_\_\_, Section\_\_\_\_, Subsection\_\_\_\_ is hereby repealed in its entirety.”

### **Section 9. Responsibility for Code of Ordinances.**

It shall be the responsibility of the Bborough[??9] Secretary to maintain an up-to-date certified copy of the code of ordinances. This copy shall be the official copy of the Borough’s Code of Ordinances and shall be available for public inspection.

### **Section 10. Penalties.**

It shall be unlawful for anyone to change, alter, or tamper with the code of ordinances in any manner which will intentionally misrepresent the laws of the Borough of Gettysburg. Whosoever shall violate this section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, and/or to imprisonment for a term not to exceed 90 days.

### **Section 11. Severability of Parts of Codification.**

It is hereby declared to be the intention of the Borough Council that the chapters, parts, sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any section, paragraph, sentence, clause or phrase of this code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 12th day of August, 1985.

BOROUGH OF GETTYSBURG

By: /s/ Gerald D. Shealer  
President of Council

ATTEST:

/s/Hazel A. Dillman  
Secretary

APPROVED this 14th day of August, 1985.

By: /s/Robert N. Heflin  
Mayor